



| | |
|--|--|
| UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY Robertson, Anschutz, Schneid, Crane & Partners, PLLC 130 Clinton Road, Suite 202 Fairfield, NJ 07004 Telephone Number 973-575-0707 Attorneys For Secured Creditor Aleisha C Jennings, Esq. (049302015) | Order Filed on September 15, 2023 by Clerk U.S. Bankruptcy Court District of New Jersey |
| In Re: Joshua E. Kelly, Debtor. | CASE NO.: 23-15701-CMG CHAPTER 13 |

ORDER RESOLVING OBJECTION TO CONFIRMATION

The relief set forth on the following pages is hereby **ORDERED**.

DATED: September 15, 2023



Honorable Christine M. Gravelle
United States Bankruptcy Judge

THIS MATTER having come before the Court on Home Point Financial Corporation (“Secured Creditor”) objection to confirmation of debtor’s chapter 13 plan by and through its counsel, Robertson, Anschutz, Schneid, Crane & Partners, PLLC, as to the real property commonly known as 144 Belmont Avenue North Plainfield, NJ 07060 (the “Subject Property”), and Angela Nascondiglio Stein, Esq. representing Joshua E. Kelly (“Debtor(s)”), and for good cause it is ORDERED that Secured Creditor’s OBJECTION TO CONFIRMATION OF DEBTOR’S CHAPTER 13 PLAN, docket entry 14 filed on July 19, 2023 is resolved, subject to the following conditions:

For good cause shown, it is **ORDERED** that Secured Creditor’s Objection is resolved, subject to the following conditions:

1. This order shall be incorporated in and become a part of any Order Confirming the Chapter 13 Plan in the herein matter.
2. Debtor acknowledges the pre-petition arrears due and owing to Secured Creditor are \$14,615.32, pursuant to Secured Creditor’s timely filed proof of claim 10-1 filed on August 18, 2023.
3. Debtor shall complete the loss mitigation process by November 14, 2023, or as extended by court order.
4. While loss mitigation is pending, Debtor shall remit monthly adequate protection payments to Secured Creditor in the amount of \$1,400.00.
5. Secured Creditor shall retain its first mortgage lien on the Property and none of its rights are being modified.
6. The Chapter 13 Trustee shall make payments to Secured Creditor toward the pre-petition arrears while loss mitigation is pending.
7. In the event loss mitigation is denied, the Debtor shall have 15 days from the date decision is rendered to: 1) file an amended Chapter 13 Plan to cure the pre-petition arrears as stated in paragraph 2 above, or 2) to convert the Chapter 13 petition to a Chapter 7 petition, 3) surrender the property, and/or 4) proceed with this bankruptcy case as deemed appropriate by the court.

In re:
Joshua E. Kelly
Debtor

Case No. 23-15701-CMG
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-3
Date Rcvd: Sep 15, 2023

User: admin
Form ID: pdf903

Page 1 of 2
Total Noticed: 1

The following symbols are used throughout this certificate:

| Symbol | Definition |
|--------|--|
| + | Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP. |

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Sep 17, 2023:

| Recip ID | Recipient Name and Address |
|----------|--|
| db | + Joshua E. Kelly, 144 Belmont Avenue, North Plainfield, NJ 07060-4458 |

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Sep 17, 2023

Signature: /s/Gustava Winters

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on September 15, 2023 at the address(es) listed below:

| Name | Email Address |
|---------------------------|---|
| Albert Russo | docs@russotrustee.com |
| Aleisha Candace Jennings | on behalf of Creditor Home Point Financial Corporation ajennings@raslg.com |
| Aleisha Candace Jennings | on behalf of Creditor Nationstar Mortgage LLC ajennings@raslg.com |
| Andre L. Kydala | on behalf of Creditor Nathaly Calles kydalalaw@aim.com kydalalaw@aim.com |
| Angela Nascondiglio Stein | on behalf of Debtor Joshua E. Kelly nascondiglio@middlebrooksshapiro.com |
| Denise E. Carlon | on behalf of Creditor BANK OF AMERICA N.A. dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com |

District/off: 0312-3

User: admin

Page 2 of 2

Date Rcvd: Sep 15, 2023

Form ID: pdf903

Total Noticed: 1

Jessica M. Minneci

on behalf of Debtor Joshua E. Kelly jminneci@middlebrooksshapiro.com

Melinda D. Middlebrooks

on behalf of Debtor Joshua E. Kelly middlebrooks@middlebrooksshapiro.com melindamiddlebrooks@gmail.com

U.S. Trustee

USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 9